

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JP MORGAN CHASE BANK, N.A.,

Plaintiff,

v.

FIRST AMERICAN TITLE INSURANCE
COMPANY,

Defendant.

Case No. 09-14891

HON. MARIANNE O. BATTANI

Consolidated with,

FIRST AMERICAN TITLE INSURANCE
COMPANY,

Plaintiff,

v.

JP MORGAN CHASE BANK, N.A.,

Defendant.

Case No. 09-14915

HON. MARIANNE O. BATTANI

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ORDER RESOLVING PENDING MOTIONS

Before the Court is J.P. Morgan Chase Bank N.A.'s (Chase) request for immediate certification for appeal and a stay of the proceedings (Doc No. 42), First American Title Insurance Company's ("First American") Motion for Authorization to Discontinue Payment of Utilities and Other Bills (Doc. No. 45), and the Federal Deposit Insurance Corporation / Receiver's ("FDIC") Motion for a Protective Order (Doc. No. 46).

For the reasons stated on the record in a hearing held September 1, 2010, the Court **GRANTS** Chase's request for interlocutory appeal, **STAYS** the proceedings as to First American and Chase, but not the FDIC and First American, **GRANTS** FDIC's Motion for a Protective Order, and **DENIES** First American's Motion for Authorization to Discontinue Payment of Utilities and Other Bills.

As to the stay, the Court is satisfied that Chase has shown the likelihood that it will prevail on the merits of the appeal and that the public interest is best served by granting the stay as well as the absence of harm to others if the stay is granted.

IT IS HEREBY ORDERED that this action is **STAYED** as to Chase and First American until the later of (1) the expiration of the time to file a petition for permission to appeal to the United States Court of Appeals for the Sixth Circuit or, if such permission is granted, (2) the disposition of any such appeal.

IT IS FURTHER ORDERED that FDIC shall respond and/or object to First American's pending discovery request on or before **September 22, 2010**. Witness lists must be filed on or before **October 2, 2010**. Discovery must be completed on or before **December 2, 2010**; dispositive motions are due on or before **December 23, 2010**.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: September 2, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served upon counsel of record on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
Case Manager